

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARLTON VIRGIL BURKS,

Petitioner,

No. 06-CV-15419-DT

vs.

Hon. Gerald E. Rosen

CAROL R. HOWES,

Respondent.

ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION AND ORDER REOPENING CASE TO ALLOW
PETITIONER TO FILE OBJECTIONS

At a session of said Court, held in
the U.S. Courthouse, Detroit, Michigan
on August 11, 2009

PRESENT: Honorable Gerald E. Rosen
Chief Judge, United States District Court

This matter having come before the Court on the June 26, 2009 Report and Recommendation of United States Magistrate Paul J. Komives, recommending that the Court grant Petitioner's Motion to Reopen Case and provide him with an opportunity to file objections to the Magistrate Judge's November 7, 2008 Report and Recommendation; and no timely objections having been filed to the June 26, 2009 R&R; and the Court having reviewed its file of this matter and the Magistrate Judge's recommendations and concurring therein,

NOW, THEREFORE,

IT IS HEREBY ORDERED that the Magistrate Judge's June 26, 2009 Report and

Recommendation [**Dkt. # 29**] is hereby adopted by the Court. Accordingly,

IT IS FURTHER ORDERED that Petitioner's Motion to Reopen Case [**Dkt. # 23**] is GRANTED.

IT IS FURTHER ORDERED that Petitioner shall file and serve his objections to the Magistrate Judge's November 7, 2008 Report and Recommendation within 10 days of the date of this Order.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: August 11, 2009

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Brian O'Neill, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants:

Carlton Burks, 180 J. Hubbard Lane, Apartment 3, Pontiac, MI 48342.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(313) 234-5137